



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

December 30, 1997

EAs 96-388, 96-389,
and 96-390

Mr. O. Kingsley
President, Nuclear Generation Group
and Chief Nuclear Officer
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 300
Downers Grove, IL 60515

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION
(NRC INSPECTION REPORTS 50-237/96012(DRS); 50-249/96012(DRS);
50-254/96016(DRS); AND 50-265/96016(DRS))

Dear Mr. Kingsley:

This refers to a fire protection inspection conducted from July 8 through October 17, 1996, at the Commonwealth Edison Company's (ComEd) Dresden and Quad Cities nuclear stations. An apparent violation was identified during the inspection. This apparent violation concerned the failure to protect motor operated valves (MOVs) from the effects of hot shorts during a postulated control room fire. The report documenting the inspection was sent to ComEd by letter dated November 14, 1996.

During May 1996, employees at the Quad Cities Station learned of the potential inability to reposition MOVs following a postulated control room fire, and subsequently notified personnel at the Dresden Station. On July 8, 1996, ComEd notified the NRC in a report made pursuant to 10 CFR 50.72. ComEd issued a Licensee Event Report on August 6, 1996. Based on the information provided in the ComEd reports, information developed during the inspection, and provided by ComEd on December 12 and 20, 1996, in response to the inspection report, the NRC has determined that a violation of NRC requirements occurred. The violation concerned the failure of ComEd to provide adequate protection to ensure operation of equipment for systems necessary to achieve and maintain hot shutdown conditions, or to maintain a dedicated safe shutdown capability.

In its December 1996 submittals, ComEd agreed with the violation; however, ComEd indicated that the issue with "hot shorts" was not a part of the original design basis. ComEd asserted that its safe shutdown analyses satisfied the requirements of 10 CFR Part 50, Appendix R, and the consideration within those analyses of the consequence of a spurious valve actuation due to fire was limited to mispositioning a valve to an undesired position, and did not include possible mechanical damage to the valve.

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The NRC disagrees with the ComEd position. Consistent in NRC requirements and guidance to the industry has been the requirement for licensees to demonstrate that fire induced failures from "hot shorts" will not prevent operation, or cause maloperation of the alternative or dedicated shutdown method. This guidance was communicated in Generic Letter 81-12, "Fire Protection Rule" and Generic Letter 86-10, "Implementation of Fire Protection Requirements." This issue involved MOVs that were potentially unable to perform the post-fire, safe shutdown functions in accordance with 10 CFR Part 50, Appendix R, Section III.G, because the control circuits were susceptible to fire induced "hot shorts." This design issue is a violation of 10 CFR Part 50, Appendix R, and represents a failure to ensure that a redundant train of safe shutdown equipment would remain free from fire damage and available to maintain a unit in "hot shutdown." The violation is safety significant because the potential existed for each unit to not be able to achieve a safe shutdown condition for a control room fire.

This matter was considered for escalated enforcement and a possible civil penalty. However, after consultation with the Director, Office of Enforcement, I have been authorized to neither issue a Notice of Violation, nor propose a civil penalty in this case, in accordance with Section VII.B.3 of the General Statement of Policy and Procedures for NRC Enforcement Actions, "Enforcement Policy," NUREG-1600. This decision was made after considering that this issue was discovered by the ComEd staff, and would not have likely been identified by routine efforts. The initial evaluation performed by the ComEd staff of NRC Information Notice (IN) 92-18, "Potential for Loss of Remote Shutdown Capability During a Control Room Fire," determined that an unanalyzed condition did not exist, and the installed MOV thermo-overloads provided adequate protection at both the Dresden and Quad Cities stations. However, during May 1996, ComEd identified that MOVs were susceptible to "hot short" induced mechanical damage. ComEd's understanding of Appendix R requirements, and reliance on a 1992 recommendation from the Nuclear Management and Resources Council (NUMARC), which was not endorsed by the NRC, may have caused confusion during the ComEd evaluation of IN 92-18. The NRC, therefore, has credited ComEd with the identification of the violation. The NRC also considered that ComEd's corrective actions, following identification of the issue during May 1996 were appropriate. These corrective actions included modifications for all affected equipment. The NRC also considered that this issue was not reasonably linked to current performance. The exercise of enforcement discretion recognizes ComEd's efforts in identifying and correcting a significant design problem.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken, plans to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Reports 50-237/96012(DRS), 50-249/96012(DRS), 50-254/96016(DRS) and 50-265/96016(DRS), and your responses dated December 12 and 20, 1996. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, your correspondence should be sent to the U. S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator,

NRC Region III, 801 Warrenville Road, Lisle, IL 60532-4351, and a copy to the NRC Resident Inspector at the Dresden and Quad Cities Stations.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room (PDR).

Sincerely,



A. Bill Beach
Regional Administrator

Docket Nos. 50-237; 50-249;
50-254; and 50-265
License Nos. DPR-19; DPR-25;
DPR-29; and DPR-30

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